

## REMARKS/ARGUMENTS

Claims 1-8 are pending herein, claim 1 being independent. By the amendment above, claim 1 has been canceled, and new claim 9 presented. Claims 2-5 have been amended to depend from new independent claim 9. No new matter has been added.

In the pending Action, the Examiner objected to the Drawing, and called for the addition of reference designator D0 to Fig. 1A. By the amendment above, Fig. 1A has been amended to include that reference designator (see enclosed drawing with change shown in red). Accordingly, withdrawal of this objection is requested.

The Examiner also objected to Claims 1, 3 and 4 for various reasons. By the amendments above, claims 3 and 4 have been amended to reflect the Examiner's comments concerning those claims. Claim 1 has been cancelled, and a new independent claim 9 added, in which the Examiner's objections to claim 1 have been addressed. Accordingly, it is respectfully requested that this objection be withdrawn.

The Examiner rejected claims 1-8 under 35 U.S.C. § 112 (2d para.) as indefinite; claims 1-3 and 5-7 under 35 U.S.C. § 102(b) as allegedly anticipated by European Patent No. EP 0 215 468 A2 (Fromberg, *et al.*); and claims 4 and 8 as allegedly rendered obvious under 35 U.S.C. § 103(a) from Fromberg, *et al.* in view of European Patent No. EP 0 391 452 A2 (Barrett).

The applicants have carefully considered the Examiner's rejections and comments in support thereof, and respectfully submit that the invention as now claimed is patentably distinct from the references applied by the Examiner, either taken alone or in combination.

The present invention is directed to an intraocular implant having an optical portion with a continuous square-edged portion along its whole periphery.

The optical portion of the implant has a cylindrical peripheral surface and a posterior surface which together form the square-edged portion except in connection zones where haptic elements connect to the periphery of the optical portion. A purpose of the invention is to create a square-edged portion of the implant in each connection zone. This is accomplished without requiring modification of the optical properties of the implant and without increasing the total thickness of the implant to achieve this square edge.

This purpose is achieved by providing the optical portion with radial extensions in the connection zones. The connection end of each haptic element is connected to a corresponding anterior face of one of the radial extensions. Consequently, in the connection zones, the posterior face of the haptic element and the side face of the radial extension together form the square-edged portion. Moreover, the posterior surface of the optical portion and the posterior face of the radial extensions are disposed in the same spherical cap. As a result, the posterior surfaces of both the optical portion and the radial extension are pressed against the posterior wall of the capsular bag and the continuous square-edged portion is also pressed against the posterior wall of the capsular bag.

The Fromberg, *et al.* reference neither teaches nor suggests such an intraocular implant. According to Fromberg, *et al.*, the anterior and posterior optical surface of the optical portion are directly interconnected (see Fig. 2). Consequently, there is no square-edged portion because there is no cylindrical peripheral surface. Haptic elements 2 are directly connected with optical portion 1.

There are no radial extensions because bulges 14 in Fromberg, *et al.* (see Fig. 2) do not form radial extensions as defined in claim 9. Bulges 14 in Fromberg, *et al.* project out of the posterior surface of optical portion 1. The purpose of these bulges 14 is to create a space

between the intraocular implant and the posterior wall of the capsular bag when the implant is disposed within the bag.

The function of the extension 14 of Fromberg, *et al.* is therefore the polar opposite of that of the claimed invention.

According to the invention, the side face of the radial extensions and the cylindrical peripheral surface of the optical portion on the one hand and the common posterior (spherical cap) of the optical portion and of the radial extensions on the other hand, form a continuous square-edged portion which can be applied against the posterior wall of the capsular bag. The benefits of this square edged portion are recited in the specification at page 1, line 26 - page 2, line 18, and will not be repeated, here.

By contrast, bulges 14 of Fromberg, *et al.* are only disposed in the connection zones (see Fig. 1) and only these bulges 14 are pressed against the posterior wall of the capsular bag. Thus, the device disclosed by Fromberg, *et al.* differs markedly from the claimed structure.

For all these reasons, therefore, it is respectfully submitted that the invention as claimed is patentably distinct from the device disclosed in the Fromberg, *et al.* reference. The addition of the Barrett reference overcomes none of the shortcomings of the Fromberg, *et al.* reference, and so the invention as claimed is neither taught nor suggested by the references applied by the Examiner, either taken alone or in combination.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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